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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,406	08/30/2001	Sai Fai Chan	P/3987-6	8251
2352	7590	11/29/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			CREPEAU, JONATHAN	
			ART UNIT	PAPER NUMBER
			1745	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/943,406	CHAN, SAI FAI	
	Examiner	Art Unit	
	Jonathan S. Crepeau	1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 November 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 15-27,29-32,34 and 47-70 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 15-27,29-32,34,47-64 and 67-70 is/are rejected.
 7) Claim(s) 65 and 66 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action addresses claims 15-27, 29-32, 34, 47-64, and newly added claims 65-70. Claims 65 and 66 contain allowable subject matter, and claims 15-27, 29-32, 34, 47-64, and 67-70 are rejected for substantially the reasons of record over JP 8-316651. Accordingly, this action is made final.

Claim Rejections - 35 USC §103

2. Claims 15-27, 29-32, 34, 47-64, and 67-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 8-316651. The reference is directed to a battery holder comprising a battery contact (see Figs. 8, 11, and 12). The contact is disposed adjacent to a wall of the holder (see top of Fig. 8) and comprises a wire that is bent to form a substantially straight torsional region (42), a battery terminal contact region (32, 44) at one end of the torsional region, and a restraining leg (33) at the other end of the torsional region (see Figs. 11 and 12). The restraining leg comprises a straight portion (shown near 33) and the rest of the leg is curved. The battery terminal contact region is formed in a U-shape and has a distal free end (shown near 32).

The reference does not expressly teach that the battery terminal contact point extends inward from the wall through an opening, and a remaining portion of the contact region is located outside the wall portion, as recited in claims 15 and 47.

However, the invention as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made because it is first noted that the torsional region of the battery contact appears to be located behind the wall of the battery holder (see dotted line at the top of Fig. 8). In the event only one battery was present in the holder, such a design would be advantageous since it prevents unwanted movement of the battery contact. Regarding the recitation that the battery terminal contact point extends inward from the wall through an opening and a remaining portion of the contact region is located outside the wall portion, it is submitted that it would further be obvious to include the distal end of the terminal contact region (shown near 32 in Fig. 12) inside an opening in the wall of the holder. Such a structure would serve to increase stability of the contact when force is applied thereto. Accordingly, as it would be obvious to include both the torsional region of the contact and the tip of the distal free end behind the wall, the subject matter of claims 15 and 47 would be rendered obvious.

Regarding claims 67 and 68, the terminal contact region has a "first" section (extending from the torsional region) and a "second" section (straighter portion shown near 32) intermediate the first section and the distal end. The claims recite that "said second section is urged outwardly through said opening, in response to said force applied by said battery." It is submitted that this subject matter would be rendered obvious in light of the wall openings discussed above. In order to allow for proper pivoting, the distal end would have to fit into an opening that extends perpendicularly in front of or behind the wall. This is because the torsional region (42) and the distal free end have different axes of rotation. Accordingly, a portion of the second section of the contact region, adjacent the distal free end, would be located within the opening and would

be "urged outwardly through said opening" as recited in claims 67 and 68 when force is applied to the contact.

Regarding claims 69 and 70, the holder comprises first and second wall portions (the first portion being in the upper right of Fig. 8, the second portion being in the upper left). The restraining leg (33) would extend from the torsional region through an opening in the second wall portion, in a direction toward the first wall portion. As such, this subject matter is also met by the reference.

Response to Arguments

3. Applicant's arguments filed November 6, 2006 have been fully considered as they apply to the above rejections but they are not persuasive. With regard to JP '651, Applicants cite Figure 6 of this reference. However, Figure 6 is not germane to the instant claims since it shows a different contact structure (34, 35, 36) than that shown in Figures 11 and 12. With regard to the other arguments presented, it is believed that the merits of these arguments are addressed in the above rejection. Regarding claims 69 and 70, Applicant states with regard to the instant application that a second wall is located at the bottom of Figure 2. However, claims 69 and 70 do not recite the location or orientation of the second wall portion. As such, claims 69 and 70 are believed to be met by the reference for the reasons stated above.

Allowable Subject Matter

4. Claims 65 and 66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Claims 65 and 66 recite that a curved section of the battery terminal contact region defines a plane which is substantially perpendicular to the wall portion, and the curved section is urged in a direction along the plane and outwardly through the opening in response to a force applied by the battery. JP '651 does not teach or fairly suggest this configuration.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Crepeau whose telephone number is (571) 272-1299. The examiner can normally be reached Monday-Friday from 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan, can be reached at (571) 272-1292. The phone number for the organization where this application or proceeding is assigned is (571) 272-1700. Documents may be faxed to the central fax server at (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jonathan Crepeau
Primary Examiner
Art Unit 1745
November 17, 2006